



Office of the City Manager

## WEEKLY M E M O

To: Honorable Mayor and City Council  
From: Noah A. Simon, City Manager  
Re: Weekly City Manager's Report July 8, 2016

Good afternoon. I hope you all are well. Your Council packet this week includes agendas for three meetings next week: School Board 4:30 p.m. Monday, Board of Zoning Appeals 6:00 p.m. Monday, and Planning Commission 5:00 p.m. Thursday; and the weekly calendar.

**Article re the State Corporation Commission** — Attached is an article from the Richmond Times Dispatch regarding their recent decision “(final order) dismissing by a 2-1 vote, the petition challenging the constitutionality of provisions in Virginia’s 2015 electricity regulation legislation (SB 1349) eliminating biennial reviews of Appalachian Power Company’s base rates until 2020 and freezing such rates until at least the conclusion of that 2020 review.

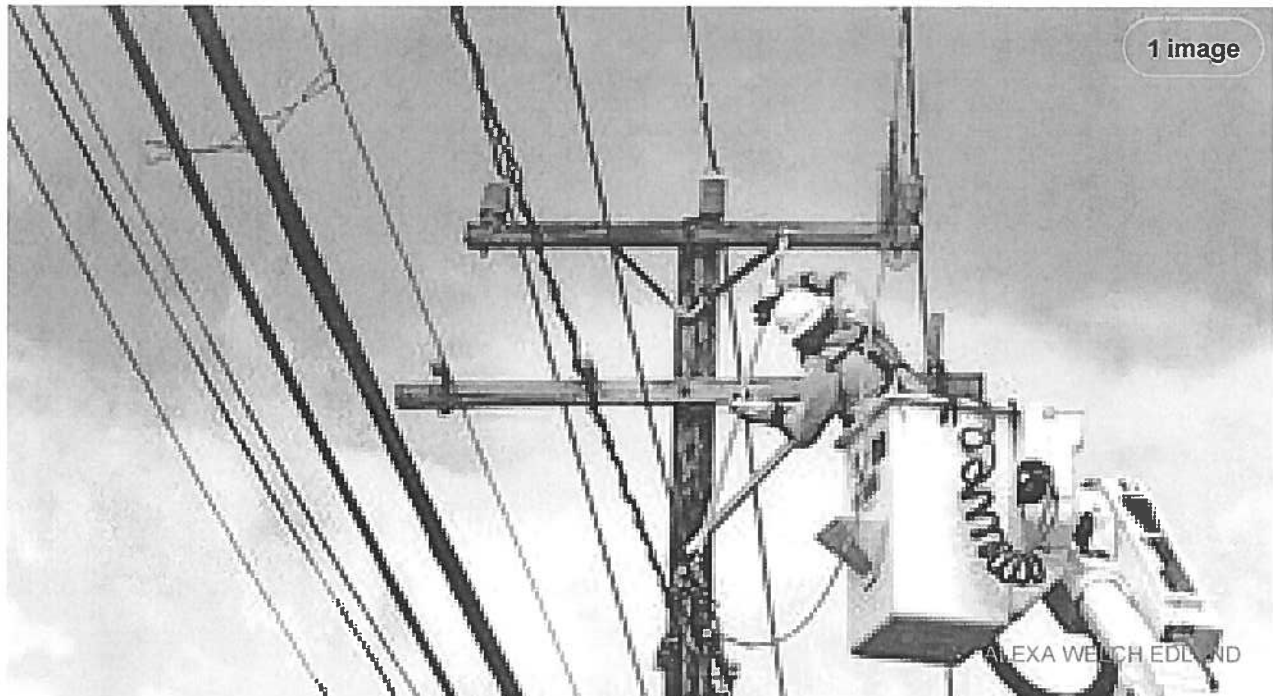
**Planning Monthly Report** — Attached is the monthly report for June and year-to-date for the Planning Department.

**Benches Downtown** – I am working with Main Street Lexington’s Design Committee to identify additional seating opportunities downtown.

Tangier & Chesapeake Paddlewheel Cruises Blast off  
from Rocketts Landing in Downtown Richmond

[DETAILS HERE!](#)

## State Corporation Commission upholds regulatory break benefiting Dominion



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By GRAHAM MOOMAW Richmond Times-Dispatch | Posted 7 days ago

A divided State Corporation Commission ruled Friday that the General Assembly did not overstep its constitutional authority by temporarily prohibiting state regulators from reviewing the rates power companies charge their customers.



In a 2-1 order, the SCC rejected a challenge brought by a consortium of utility customers who argued the legislature essentially stripped regulators of a power granted to them by the state constitution. The three-member commission found that the General Assembly can suspend the SCC's regulatory reviews due to constitutional language allowing the legislature to issue "criteria and other requirements" for the regulation of utility rates.

SCC Commissioner James C. Dimitri dissented, arguing that language should not be interpreted so broadly as to allow the General Assembly to take regulatory power away from a state agency.

“Dominion is pleased with the result and customers will be the beneficiaries,” spokesman David Botkins said.

Under a bill (Senate Bill 1349) passed in 2015, Dominion Virginia Power, a major contributor to Virginia political campaigns, had its biennial rate reviews suspended until 2022. Reviews were also suspended for Appalachian Power, which was named as a party to the challenge before the SCC.

The reviews are meant to protect consumers from being overcharged. After a review completed late last year, regulators ordered Dominion to refund \$19.7 million to customers who paid too much in 2013 and 2014.

The bill also froze the companies’ base rates, which make up roughly 60 percent of a customer’s bill. Since the legislation was passed, Dominion has proposed a lower fuel charge that will save customers roughly \$4.35 per month. Dominion has also said the legislation will enable the company to make new investments in solar energy and other projects.

When he signed the bill, Gov. Terry McAuliffe said it would bring a “net positive benefit to Virginians and to our economy.”

Attorney General Mark R. Herring opposed the bill during the legislative process, but defended its constitutionality during the SCC proceedings.

Writing the majority opinion, Commissioners Mark C. Christie and Judith Williams Jagdmann stressed the legal presumption that acts of the General Assembly should be considered constitutional unless clear evidence exists to the contrary.

“Questions on whether SB 1349 is good or bad public policy, whether it will result in APCO’s (or Dominion’s) customers paying more than they should, or whether its effects are contrary to the public interest, are important in other contexts, but such questions of policy are different from the legal question whether SB 1349 is constitutional,” the majority wrote. “That is the only question we can and must decide in this proceeding.”

In dissent, Dimitri said the bill locks in place a system that could, over the next seven years, result in Dominion taking in more than a billion dollars from customers “above its cost of service and a fair return.”

The idea that the loss of the SCC’s regulatory authority is only temporary, Dimitri said, is a “fiction of grand proportion,” because customers have no recourse to obtain refunds during the suspension period and the General Assembly can choose to extend it.

“As discussed, the Constitution gives the Commission the *authority* to regulate rates, but it goes further — it assigns the Commission the *duty* to regulate rates, and, unlike a power, a duty is something that we *must* do,” Dimitri wrote. “For whose benefit does this duty arise? The Constitution is silent to this specific question, but it surely includes those who adopted the Constitution, *i.e.*, the public.”

Under Dimitri's position, the majority wrote, the General Assembly "could never make the public policy decision to deregulate" railroad, telephone, gas, and electric companies.


"The Commission's duty in this case is to decide the legal question of constitutionality without regard to our public-policy preferences and not to conflate the two," the majority wrote.

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LEXINGTON PLANNING AND DEVELOPMENT 2016

Monthly Activity		2016 Total
<b>Administration</b>	<b>73</b>	<b>382</b>
Building Inquiries	42	245
Commercial Certificates of Occupancy Issued	0	4
Pre-Application Conferences	3	5
Residential Certificates of Occupancy Issued	2	4
Zoning/Planning Inquiries	12	44
Residential Building Permits	6	29
Residential Electrical Permits	2	16
Residential Mechanical Permits	0	1
Residential Plumbing Permits	0	1
Commercial Building Permits	3	19
Commercial Electrical Permits	1	6
Commercial Mechanical Permits	1	5
Commercial Plumbing Permits	1	3
<b>Development</b>	<b>6</b>	<b>20</b>
Conditional Use Permits - Planning Commission	1	2
Site Plan Review - Planning Commission	1	1
Variances/Appeals Requests - Board of Zoning Appeals	2	2
Certificates of Appropriateness-PC		2
Certificates of Appropriateness-ARB	2	13
<b>Enforcement</b>	<b>127</b>	<b>601</b>
Commercial Building Inspections	42	166
Erosion & Sediment Control Inspections	46	261
Residential Building Inspections	38	172
Zoning Enforcement Actions	1	2
<b>Value of Improvements</b>	<b>\$ 874,992.00</b>	<b>\$ 21,768,563.00</b>
Commercial Plumbing Permit Value	\$ 525.00	\$ 8,025.00
Residential Building Permits	\$ 247,900.00	\$ 247,900.00
Residential Electrical Permits	\$ 1,500.00	\$ 1,500.00
Residential Building Permit Value		\$ 1,051,832.00
Residential Electrical Permit Value		\$ 86,257.00
Residential Mechanical Permit Value	\$ -	\$ 2,425.00
Residential Plumbing Permit Value	\$ -	\$ 1,400.00
Commercial Building Permit Value	\$ 574,467.00	\$ 20,218,024.00
Commercial Electrical Permit Value	\$ 49,700.00	\$ 82,300.00
Commercial Mechanical Permit Value	\$ 900.00	\$ 68,900.00
<b>Permit Fees Collected</b>	<b>\$ 5,377.80</b>	<b>\$ 41,405.22</b>
Residential Permit Fees	\$ 997.80	\$ 6,622.02
Commercial Permit Fees	\$ 4,380.00	\$ 34,783.20

# LEXINGTON CITY SCHOOL BOARD AGENDA

**JULY 11, 2016  
4:30 P.M.**

## LEXINGTON SCHOOL BOARD OFFICE ORGANIZATIONAL MEETING

Item of Business	Interlocutor
1. Call to Order	- Superintendent
2. Election of School Board Chair	- Superintendent
3. Election of School Board Vice-Chair	- Board Chair
4. Appointment of School Board Clerk	- Board Chair
5. Appointment of School Board Deputy Clerk	- Board Chair
6. Election of Voting Delegate to Virginia School Boards Association Annual Convention	- Board Chair
7. Date, Time, and Location of Regular Meetings	- Board Chair
8. Adoption of School Board Code of Ethics	- Board Chair

## REGULAR MEETING

Order of Business	Subject	Action	Information
1. Call to Order		*	
2. Approval of Agenda		*	
3. Communications	-Recognition of Citizens	*	
4. Public Comment	(See Guidelines on the last page)		
5. Consent Agenda	-Approval of June Payroll and Expenditures -Petty Cash Report -Approval of Minutes: June Regular Meetings -Tuition Students -VSBA Code of Ethics	*	

Order of Business	Subject	Action	Information
6. Superintendent's Report	-Construction Update -VSBA Media Honor Roll -Summer School update -Textbook Adoption	*	*  * *
7. Business/Finance	-Technology Resolution	*	
8. School Board	-Rockbridge School Board Meeting -School Board Meeting dates for 2016-2017 -VSBA Conference		*
9. Executive Session	-Virginia Code 2.2-3711, Section A; Paragraph One: Personnel: -Appointments	*	
10. Board Action		*	
11. Adjournment		*	

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**LEXINGTON BOARD OF ZONING APPEALS**  
**Monday, July 11, 2016 - 6:00 P.M.**

**First Floor Meeting Room (Community Meeting Room)**  
**Lexington City Hall**  
**300 E. Washington Street, Lexington, Virginia**

**AGENDA**

1. CALL TO ORDER
2. MINUTES
  - a. June 13, 2016 Board of Zoning Appeals
3. **Public Hearing BZA 2016-04** – A variance request to reduce a required side yard setback from 5 feet to approximately 3 feet and to reduce a required rear yard setback from 25 feet to approximately 10 feet to allow an addition to be constructed onto the side and rear of the existing residence at 317 S. Main Street
  - a. Staff Report
  - b. Applicant Statement
  - c. Public Comment
  - d. Board discussion & decision
4. ADJOURN





## **LEXINGTON PLANNING COMMISSION**

**Thursday, July 14, 2016 - 5:00 P.M**  
**1<sup>st</sup> Floor, Community Meeting Room**  
**City Hall**  
**300 East Washington Street**

### **AGENDA**

**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

A. Work Session notes from June 23, 2016\*

**3. COMPREHENSIVE PLAN AMENDMENT TO DESIGNATE THE CITY AS AN URBAN DEVELOPMENT AREA**

A. Presentation by Ann Cundy, Central Shenandoah Planning District Commission  
1) Staff report\*  
2) Resolution and Recommendation\*

**4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**

**5. NEW BUSINESS**

A. Zoning Ordinance Update  
3) Continued discussion of Zoning District Map\*  
4) Discussion of City of Lexington Lot Requirements\*  
5) Discussion of Exterior Lighting Standards\*

**B. OTHER BUSINESS**

**7. ADJOURN**

\*indicates attachment

# City of Lexington

## July 2016

July 11	MONDAY	July 18
4:30 p.m. School Board Meeting 300 Diamond Street		
6:00 p.m. Board of Zoning Appeals City Hall Community Room 300 East Washington Street		
July 12	TUESDAY	July 19
	6:00 p.m. Braiding the Way Tourism Vista Links Clubhouse, Buena Vista	
July 13	WEDNESDAY	July 20
6:00-8:00 p.m. Community Cook Out Richardson Park, Diamond & Lewis Streets		
July 14	THURSDAY	July 21
5:00 p.m. Planning Commission Rockbridge Administrative Building, First Floor 150 South Main Street	4:00 p.m. Architectural Review Board City Hall Community Room 300 East Washington Street	
	6:30 p.m. Lexington Historic District Survey Presentation Lylburn Downing Middle School Cafeteria 300 Diamond Street	
	8:00 p.m. City Council Regular Meeting Rockbridge Administrative Building, First Floor 150 South Main Street	
July 15	FRIDAY	July 22

JULY						
M	T	W	T	F	S	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31